

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

## UTILITY PATENT APPLICATION TRANSMITTAL

*(Only for new nonprovisional applications under  
37 C.F.R. 1.53(b))*

Attorney Docket No.

1733.1068-008

First Named Inventor or  
Application Identifier

James R. Dasch

Express Mail Label No.

EV 214947625 US

Title of  
Invention

METHOD OF MODIFYING THE RELEASE PROFILE OF SUSTAINED RELEASE  
COMPOSITIONS

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form  
*(Submit an original, and a duplicate for fee processing)*
2. ☒ Specification Total Pages [ 39 ]  
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings *(if filed)*
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) Total Sheets [ 8 ]  

[ ] Fig. of the Drawings for Publication [ ]
[ X ] No Figure to be Published
4. ☒ Oath or Declaration Total Pages [ 3 ]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 C.F.R. 1.63(d))  
*(for continuation/divisional with Box 17 completed)*
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program *(Appendix)*

6. ☐ Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - a. ☐ Computer Readable Form
  - b. ☐ Paper Copy (identical to computer copy)  
[ ] Pages
  - c. ☐ Statements verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & documents)  

☒ Assignee - Alkermes Controlled Therapeutics, Inc.  
Cambridge, Massachusetts
8. ☐ Power of Attorney ☐ 37 C.F.R. 3.73(b) Statement
9. ☐ English Translation Document *(if applicable)*
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard
13. ☐ Small Entity Statement(s)
- 14a. ☐ Foreign Priority Claim under 35 U.S.C. §119 or 365
- 14b. ☐ Certified Copy of Priority Document(s)
15. ☐ Nonpublication Request *(check parent application)*
16. ☒ Other Remarks/Change of Correspondence Address

17. If a **CONTINUING APPLICATION**, check appropriate box; supply the requisite information.

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/400,162

Prior application information: Examiner: N/A

Group Art Unit: 1654

**The entire disclosure of the prior application is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference.**  
*(Add standard Related Applications section with incorporation by reference to specification or update same)*

### 18. CORRESPONDENCE ADDRESS

NAME	Customer No. 021005				
	HAMILTON, BROOK, SMITH & REYNOLDS, P.C.				
ADDRESS	530 Virginia Road, P.O. Box 9133				
CITY	Concord	STATE	MA	ZIP CODE	01742-9133
COUNTRY	USA	TELEPHONE	(978) 341-0036	FAX	(978) 341-0136

Signature	<i>Susan M. Abelleira</i>	Date	<i>January 16, 2004</i>
Submitted by Typed or Printed Name	Susan M. Abelleira	Reg. Number	42,252

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James R. Dasch and M. Gary I. Riley

Continuation Application of

Application No.: 10/400,162

Filed: March 25, 2003

For: METHOD OF MODIFYING THE RELEASE PROFILE OF  
SUSTAINED RELEASE COMPOSITIONS

Date: <u>1/16/04</u>
EXPRESS MAIL LABEL NO. <u>EV214947625US</u>

REMARKS/CHANGE OF CORRESPONDENCE ADDRESS

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-captioned application is a continuation of application number 10/400,162 filed on March 25, 2003 to which priority is claimed under 35 U.S.C. §120.

The specification of the present application is substantially the same as that of the parent application. The related applications paragraph has been revised to include a specific reference to the parent application. No new matter has been added.

All of the claims from the parent application have been omitted. A new claim set is being presented herein for examination. A newly executed declaration under 37 C.F.R. 1.63 is not believed to be necessary under 37 C.F.R. 1.63(d) or 1.67(b).

Pursuant to 37 C.F.R. 1.63(d)(4), please note that a new Power of Attorney and a Notice of Change of Correspondence Address was submitted in parent Application No. 10/400,162. Please send all correspondence in the above-identified continuation application to: Customer

No. 021005; Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. In addition, please direct all telephone calls to David E. Brook, Esq. at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By *Susan M. Abelleira*  
Susan M. Abelleira  
Registration No. 42,252  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

*January 16, 2004*

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

<b>FEE TRANSMITTAL FOR PATENT APPLICATIONS</b>	Attorney Docket Number	1733.1068-008
	Application Number	
	First Named Inventor	James R. Dasch

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	8 - 20* =	0	x \$ 18 =	\$ 0
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	1 - 3** =	0	x \$ 86 =	\$ 0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 290 =	\$ 0
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 770
				Total of above Calculations =	\$ 770
	Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =				\$ 0
				TOTAL =	\$ 770
	Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =				\$
	Petition for Extension of Time Fee (37 C.F.R. 1.17) =				\$
	Assignment Recordation Fee = (only when filed with application)				\$
	[Other]				\$
	* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent			TOTAL =	\$ 770

1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$770. ☐ Please charge \$[ ] to Deposit Account No. 08-0380.

4. ☐ Other: \_\_\_\_\_

Signature	<i>Susan M. Abelleira</i>	Date	<i>January 16, 2004</i>
Submitted by Typed or Printed Name	Susan M. Abelleira	Reg. Number	42,252